

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION

No. 21-MD-3010 (PKC)

**STIPULATION AND [PROPOSED] ORDER REGARDING ADVERTISERS'  
CONSOLIDATED AMENDED COMPLAINT AND SINGH V. GOOGLE LLC  
PUTATIVE CLASS ACTION COMPLAINT**

Defendants Google LLC (“Google”) and Alphabet Inc. (“Alphabet”), the Advertiser Plaintiffs (as defined below), and Plaintiff Sunny Singh (“Singh,” and collectively with the other defined parties, the “Parties”) stipulate and agree as follows:

WHEREAS, on November 18, 2022, the Court stayed any motion practice on all state law claims in this MDL under Pre-Trial Order No. 4, without prejudice to the right of any party to apply to the Court to dissolve the stay ninety days after entry of the order (ECF No. 392);

WHEREAS, on December 2, 2022, Hanson Law Office, Clifffy Care Landscaping, Inc. and Kinin, Inc.<sup>1</sup> (collectively, the “Advertiser Plaintiffs”) filed a Consolidated Amended Complaint (the “Advertiser Plaintiffs’ CAC,” ECF No. 399) asserting, *inter alia*, claims against Google under Section 1 of the Sherman Act, 15 U.S.C. § 1 (Count V) and the Cartwright Act, Cal. Bus. & Prof. Code § 16720 *et seq.* (Count VI) based on Google’s Unified Pricing Rules (“UPR”) and line-item capping;

WHEREAS, on February 3, 2023, Google and Alphabet filed a motion to dismiss the federal claims in the Advertiser Plaintiffs’ CAC (ECF No. 446);

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<sup>1</sup> Vitor Lindo, Raintree Medical and Chiropractic Center, LLC, and Rodrock Chiropractic PA were also named Advertiser Plaintiffs at the time of filing (ECF No. 399). These plaintiffs later voluntarily dismissed their claims against Defendants on March 17, 2023 (ECF Nos. 509-10).

WHEREAS, on April 4, 2023, Plaintiff Sunny Singh filed an action against Google, Alphabet, and Meta Platforms, Inc. in the Central District of California (the “*Singh* Complaint,” *Sunny Singh v. Google LLC, et al.*, No. 23-cv-02539 (C.D. Cal.)), similarly asserting, *inter alia*, claims against Google arising from the UPR and line-item capping based on Section 1 of the Sherman Act, 15 U.S.C. § 1 (Count V) and the Cartwright Act, Cal. Bus. & Prof. Code § 16720 *et seq.* (Count VI);

WHEREAS, on May 1, 2023, the *Singh* action was transferred to the Southern District of New York and consolidated and coordinated with the MDL for pre-trial proceedings (*Singh v. Google LLC*, No. 23-cv-03651 (S.D.N.Y.));

WHEREAS, on September 8, 2023, Google and Alphabet filed a motion to dismiss the federal claims in the *Singh* Complaint (ECF No. 625);

WHEREAS, on March 1, 2024, the Court dismissed the Advertiser Plaintiffs’ and Singh’s federal antitrust claim under Section 1 of the Sherman Act (Count V) arising from UPR and line-item capping (ECF No. 701);

WHEREAS, on March 1, 2024, the Court entered an order, based on the stipulation of the parties (*see* ECF No. 588-1), that any ruling by the Court on the pending motions to dismiss the Advertisers’ CAC, except a ruling regarding issues of individual named plaintiffs’ obligations to arbitrate claims against Defendants Google and Alphabet, would be deemed to apply to the *Singh* Complaint (ECF No. 702);

NOW THEREFORE, the Parties, through their respective counsel, hereby stipulate and agree as follows:

1. The Parties agree to the dismissal of the Advertiser Plaintiffs’ and Plaintiff Singh’s antitrust claims under California law arising from UPR and line-item capping, which are set forth

in Count VI of the Advertiser Plaintiffs' CAC and Count VI of the *Singh* Complaint;

2. This stipulation is not and shall not be construed as an admission by any Party regarding the merits of any claim in this litigation, including claims arising from UPR and line-item capping;
3. Notwithstanding this dismissal, the Parties reserve all rights of appeal relating to the Advertiser Plaintiffs' and Plaintiff Singh's claims arising from UPR and line-item capping.

**IT IS SO STIPULATED AND ORDERED.**

*J. Mahr, OSDJ*  
5-2-24

Dated: April 19, 2024

/s/ Dena C. Sharp

Dena C. Sharp  
Jordan Elias  
Scott M. Grzenczyk  
Mikaela M. Bock  
**GIRARD SHARP LLP**  
601 California Street, Suite 1400  
San Francisco, CA 94108  
Tel: (415) 981-4800  
dsharp@girardsharp.com  
jelias@girardsharp.com  
scottg@girardsharp.com  
mbock@girardsharp.com

Tina Wolfson  
Ted Maya  
Henry Kelston  
**AHDOOT & WOLFSON, PC**  
2600 W Olive Avenue  
Burbank, CA 91505  
Tel: (888) 333-8996  
twolfson@ahdootwolfson.com  
tmaya@ahdootwolfson.com  
hkelston@ahdootwolfson.com

Jonathan Rubin

/s/ Justina K. Sessions

Justina K. Sessions  
**FRESHFIELDS BRUCKHAUS**  
DERINGER US LLP  
855 Main Street  
Redwood City, CA 94063  
Telephone: (650) 618-9250  
Fax: (650) 461-8276  
justina.sessions@freshfields.com

Eric Mahr  
Robert J. McCallum  
**FRESHFIELDS BRUCKHAUS**  
DERINGER US LLP  
700 13th Street NW, 10th Floor  
Washington, DC 20005  
Telephone: (202) 777-4500  
Fax: (202) 777-4555  
eric.mahr@freshfields.com  
rob.mccallum@freshfields.com

Daniel Bitton  
Denise L. Plunkett  
Craig M. Reiser  
Eva H. Yung  
Claire L. Haws

**MOGINRUBIN LLP**  
2101 L Street N.W. Suite 300  
Washington, DC 20037  
Tel: (202) 630-0616  
jrubin@moginrubin.com

*Counsel for the putative Advertiser Class and  
Plaintiff Sunny Singh*

**AXINN, VELTROP & HARKRIDER LLP**  
114 West 47th Street  
New York, New York 10036  
Telephone: (212) 728-2200  
Fax: (212) 728-2201  
dbitton@axinn.com  
dplunkett@axinn.com  
creiser@axinn.com  
eyung@axinn.com  
chaws@axinn.com

**Bradley Justus (*pro hac vice*)**  
**AXINN, VELTROP & HARKRIDER LLP**  
1901 L Street NW  
Washington, DC 20036  
Telephone: (202) 912-4700  
Fax: (202) 912-4701  
bjustus@axinn.com

**Caroline P. Boisvert (*pro hac vice*)**  
**AXINN, VELTROP & HARKRIDER LLP**  
90 State House Square  
Hartford, Connecticut 06103  
Telephone: (860) 275-8100  
Fax: (860) 275-8101  
cboisvert@axinn.com

*Counsel for Defendants Google LLC and  
Alphabet Inc.*